

Remarks

The present response replies to the final Official Action dated February 28, 2005. The Official Action rejected claims 1-15 under 35 U.S.C. §102(e) as being anticipated by Hagen U.S. Patent Application Publication No. 2002/0075844 (Hagen). Claims 1-15 are presently pending.

The present response is being filed in conjunction with a 37 C.F.R. §1.131 declaration of Lowell W. Ross, Esq. Mr. Ross, an employee of the Law Offices of Peter H. Priest, P.L.L.C. (“the firm”), prepared the present application. Ross Decl., ¶ 4. Copies of two draft versions of the present application dated shortly before December 15, 2000 are provided and prove conception of the present invention prior to December 15, 2000. Ross Decl., ¶¶ 5-7 and Exhibits A-C. An email was sent to the inventor on December 6, 2000 requesting clarification of acronyms in the draft of the present application. Ross Decl. ¶ 6. Mr. Ross worked diligently from shortly before December 15, 2000 until the filing date of January 5, 2001. Ross Decl. ¶ 8.

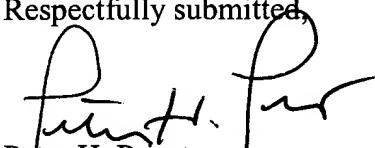
On December 20, 2000, Mr. Ross received an email in response to an email sent by Mr. Ross on December 19, 2000. Edits were made a final draft of the present application was sent to Ken Brown, Esq., the managing attorney of the assignee of the present application, on December 21, 2000. A true copy of the facsimile cover sheet and a true copy of the letter requesting review by the managing attorney are attached as Exhibit E hereto. The firm was closed for the holidays during the work week beginning December 25, 2000 until January 2, 2001. Ross Decl., ¶ 10. An unsigned copy of the Declaration and Power of Attorney and Assignment was mailed via Federal Express on January 2, 2001 to the inventors of the present application. A true copy of the instruction letter accompanying the Declaration and Power of Attorney and Assignment is attached as Exhibit F hereto. As noted in the instruction letter, a prepaid Express Mail envelope

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was provided for return delivery. The Declaration and Power of Attorney and Assignment was signed by the inventors on January 3, 2001. A true copy of the signed Declaration and Power of Attorney and Assignment is attached as Exhibit G hereto.

The Ross declaration and supporting Exhibits establish that the present invention was conceived prior to December 15, 2000 thus prior to the filing date of the provisional application upon which Hagan may claim priority. Furthermore, the Ross declaration and supporting Exhibits establish that this conception is connected to a constructive reduction to practice by filing by diligence in the completion of the application just prior to December 15, 2000 to the filing of the present application on January 5, 2001.

Respectfully submitted,


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